

**FINDING OF SUITABILITY  
TO TRANSFER  
(FOST)**

**SIERRA ARMY DEPOT**

**HONEY LAKE  
PRIMARY PARCEL**

**SEPTEMBER 2003**

**FINDING OF SUITABILITY TO TRANSFER**  
**Sierra Army Depot (SIAD)**  
**Honey Lake Primary Parcel**  
**September 2003**

**1. PURPOSE**

The purpose of this Finding Of Suitability To Transfer (FOST) is to document the environmental suitability of the Honey Lake Primary Parcel which represents the munitions and explosive concern (MEC)<sup>1</sup> [MEC includes ordnance and explosives (OE) and hereinafter will be known as OE or MEC] clean portion of Honey Lake, hereinafter known as “The Property”, to the Honey Lake Conservation Team (HLCT) who will eventually transfer the lake to the State of California, State Lands Commission, upon California’s decision to exercise it’s right of reversion. This action is consistent with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120(h) and Department of Defense/Army policy. The FOST identifies use restrictions as specified in the attached Environmental Protection Provisions necessary to protect human health or the environment after such transfer.

**2. PROPERTY DESCRIPTION**

The Property consists of approximately 57,632.71 acres and no buildings. It is a lake that has fluctuating water levels. During a low water level period, the Property was used as a gunnery range from 1931 to 1932. From 1932 to present, the Property has been undeveloped with no Army activities. The Property is intended to be transferred and used for natural resource conservation in accordance with the Conveyance Agreement with the HLCT. The HLCT’s intent is to eventually transfer this portion of the lakebed to the State of California, California State Lands Commission once the State chooses to exercise its reversion. The Property does not include the approximately 4,485.67 acre former Honey Lake Demolition Area. It is the Army and HLCT’s goal to eventually transfer the Demolition Area property to the State Lands Commission after the Army ordnance and explosive (OE) response action is completed. A site map of the Property is attached (Enclosure 1).

**3. ENVIRONMENTAL CONDITION OF THE PROPERTY**

A determination of the environmental condition of the OE Clean portion of Honey Lake (the Property) has been made based on the **Revised Final Environmental Baseline Survey CERFA Report, Sierra Army Depot Reuse Parcels Lassen County, California – March 2001 (EBS)** and the **Honey Lake Environmental Assessment - September 2003 (EA)**. The California Department of Toxic Substances Control (DTSC)

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<sup>1</sup> The term “MEC” distinguishes specific categories of military munitions that may pose unique explosives safety risks, including: (a) unexploded ordnance (UXO), as defined in 10 U.S.C. 2710 (e) (9); (b) discarded military munitions (DMM), as defined in 10 U.S.C. 2710 (e) (2); or (c) explosive munitions constituents (e.g., TNT, RDX) present in high enough concentrations to pose an explosive hazard.

has provided the Army a letter, dated April 23, 1998, that no further action is required for this Property. The Army believes that sufficient investigation has been performed and the Property is suitable for transfer. The information provided is a result of a complete search of agency files during the development of these environmental surveys. The following documents also provided information on environmental conditions of the Property:

- **Honey Lake Environmental Assessment, Sierra Army Depot – September 2003**
- **Revised Final Environmental Baseline Survey CERFA Report, Sierra Army Depot Reuse Parcels Lassen County, California – March 2001**
- **Environmental Assessment for the Disposal and Reuse of the BRAC Parcels at Sierra Army Depot, California – January 1998**
- **Final Supplemental Environmental Assessment of BRAC Excess Property at Sierra Army Depot, California – September 1999**
- **Ordnance and Explosives Archives Search Report Findings for the Honey Lake Range Lassen County, California – September 1996**

### **3.1 Environmental Condition of Property Categories**

The Department of Defense (DOD) Environmental Condition of Property (ECP) Categories for the Property is as follows:

ECP Category 3: All the Property is Category 3 (See Section 3.2 for additional information)

A summary of the ECP Categories for the Property is provided in Table 1 – The “Description of Property” in Enclosure 2.

### **3.2 Munitions and Explosive Concern**

There is no evidence of MEC on the Property. The Archives Search Report (ASR) indicates that the Honey Lake bed was used as summer camp for aerial gunnery training in 1931 and 1932 by the 55th Pursuit Squadron at Mather Field. During training exercises, aircraft mounted machine guns fired bullets at ground and towed targets. The aircraft used for this training did not carry or drop any MEC on Honey Lake for this training. The property is classified as Category 3 due to the lead remaining from the bullets.

### **3.3 Storage, Release, or Disposal of Hazardous Substances**

#### **3.3.1 Hazardous Substance Storage**

There is no evidence that hazardous substances were stored, released, or disposed on the Property in excess of the reportable quantities listed in 40 CFR Part 373. Accordingly, there is no need for any notification of hazardous substance storage, release, or disposal.



### **3.3.2 Investigation/Remediation Sites**

There are no investigation/remediation sites located on the Property. In addition, there is no evidence of contaminated soil or groundwater on the Property requiring additional remediation.

## **3.4 Petroleum and Petroleum Products**

### **3.4.1 Underground and Above-Ground Storage Tanks (UST/AST)**

- **Current UST/AST Sites** -There is no evidence that UST/AST petroleum or petroleum products in excess of 55 gallons at one time were stored, released, or disposed of on the Property. Accordingly, there is no need for any notification of UST/AST petroleum product storage, release, or disposal.

### **3.4.2 Non-UST/AST Storage, Release, or Disposal of Petroleum Products**

There is no evidence that non-UST/AST petroleum or petroleum products in excess of 55 gallons at one time were stored, released, or disposed of on the Property. Accordingly, there is no need for any notification of non-UST/AST petroleum product storage, release, or disposal.

## **3.5 Polychlorinated Biphenyl (PCB) Equipment**

There is no PCB containing equipment on the Property.

## **3.6 Asbestos**

There is no asbestos containing material on the Property.

## **3.7 Lead-Based Paint (LBP)**

There is no LBP on the Property.

## **3.8 Radiological Materials**

There is no evidence that the radioactive material or sources were used or stored on the Property.

## **3.9 Radon**

As there are no buildings, there was no radon testing conducted on the Property.

#### **4. ADJACENT PROPERTY CONDITIONS**

The former Honey Lake Demolition Area adjacent to the Property was used to demolish excess and obsolete munitions from World War II by the use of Open Burning/Open Detonation (OB/OD) operations from October 1945 to the mid 1950s. The Army has conducted a geophysical survey in February 2003 to delineate the former Demolition Area and included a 2,250 foot buffer area on the north and south sides and 750 foot buffer on the west side of this area (the east side the area is the property line and shoreline). The Property includes only the area outside the former Demolition/Buffer Area. The Army will complete a surface OE remediation of the former Demolition Area prior to transferring the former Honey Lake Demolition Area. It is intended that within 30 days of transfer, signs will be placed between the Property and the former Honey Lake Demolition Area to warn the public not to enter the former Honey Lake Demolition Area. Due to the proximity of the former Demolition Area, the deed will include a Munitions of Explosive Concern Notice (Enclosure 3). Additional information on the demolition area is available in the Former Honey Lake Demolition Area Finding of Suitability to Lease (FOSL) dated September 2003.

#### **5. ENVIRONMENTAL REMEDIATION AGREEMENTS**

The following environmental remediation orders/agreements are applicable to the SIAD: the Federal Facility Site Remediation Agreement (FFSRA) dated 30 May 1991. There are no FFSRA study areas/operable units or contaminated groundwater on the Property. The California Department of Toxic Substances Control (DTSC) gave SIAD a letter of No Further Action for the area that is not contaminated with unexploded ordnance on April 23, 1998. The deed will include a provision reserving the Army's right to conduct response action or corrective action found to be necessary in the future (See Enclosure 3).

#### **6. REGULATORY/PUBLIC COORDINATION**

The U.S. EPA Region IX, the DTSC, and the public were notified of the intent to sign the FOST. The document was forwarded to regulators/public for comments. Regulatory comments were reviewed and incorporated as appropriate. A copy of the regulatory comments and the Army Response are provided at Enclosures 4 and 5.

#### **7. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE**

The environmental impacts associated with proposed transfer of the Property have been analyzed in accordance with the National Environmental Policy Act (NEPA). The results of this analysis have been documented in the **Honey Lake Environmental Assessment, Sierra Army Depot, California, September 2003**. Any encumbrances or condition identified in such analysis as necessary to protect human health or the environmental have been incorporated into the FOST.

## **8. FINDINGS OF SUITABILITY TO TRANSFER**

Based on the above information, I conclude that all removal or remedial actions necessary to protect human health and the environment have been taken and the Property is transferable under CERCLA section 120(h)(3). In addition, all Department of Defense requirements to reach a finding of suitability to transfer have been met subject to the terms and conditions set forth in the attached Environmental Protection Provisions which shall be included in the deed for the Property. The Environmental Protection Provisions also include the CERCLA 120(h)(3) covenant and access provisions. Whereas no hazardous substances were stored for one year or more, known to have been released in excess of reportable quantities, or disposed of on the parcel, the hazardous substance notification need not and will not be provided with the deed.

JAMES R. DAVIDSON  
Director  
National Capital Region Field Office

Encl 1 Site Map  
Encl 2 Table 1 Description of Property  
Encl 3 Environmental Protection Deed Provisions  
Encl 4 Regulatory/Public Comments  
Encl 5 Army Response to Regulatory/Public Comments (if applicable)

**ENCLOSURE 1**

**SITE MAP**



## ENCLOSURE 2

**Table 1 – Description of Property**

<b>Building Number and Property Description</b>	<b>EBS Parcel Designation</b>	<b>Condition Category</b>	<b>Remedial Actions</b>
Honey Lake	Honey Lake	3	According to the Archives Search Report, the Honey Lake bed was used as summer camp for aerial gunnery training in 1931 and 1932. Aircraft mounted machine guns were fired at ground and towed targets; the aircraft used for this training did not carry or drop any bombs on Honey Lake. The property is classified as Category 3 due to the lead remaining from the bullets.

**Category 1:** Areas where no release or disposal of hazardous substances or petroleum products has occurred. (including no migration of these substances from adjacent areas)

**Category 2:** Areas where only release or disposal of petroleum products has occurred.

**Category 3:** Areas where release, disposal, and/or migration of hazardous substances has occurred, but at concentrations that do not require a removal or remedial response.

**Category 4:** Areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken.

**ENCLOSURE 3**

**ENVIRONMENTAL PROTECTION PROVISIONS**

## **ENVIRONMENTAL PROTECTION PROVISIONS**

### **1. CERCLA COVENANTS AND NOTICE**

#### **A. CERCLA Covenant**

Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act as amended, 42 U.S.C. § 9601 et seq., (CERCLA):

a. The Grantor has no knowledge of the storage of hazardous substances for one year or more, or the release or disposal of any hazardous substances on the Property. Accordingly, there is no need for any notification of hazardous substance storage, release, or disposal or remedial action taken relative thereto.

b. The Grantor hereby covenants and warrants that:

(1) All remedial action necessary to protect human health and the environment with respect to any such hazardous substances remaining on the Property has been taken before the date of conveyance hereunder; and

(2) Any additional remedial action found to be necessary after the date of this Deed shall be conducted by the Grantor.

This covenant shall not apply if the person or entity to whom the Property is transferred is a potentially responsible party under CERCLA by reason of having caused or contributed to such hazardous substance contamination.

#### **B. Environmental Access Easement**

The Grantor reserves a right and easement for access to and necessary remediation of the Property in any case in which response action or corrective action is found to be necessary on the Property, or on adjoining real property, including the property known as the OE Parcel and described by exclusion in Exhibit A, when same is best accessed through the Property. In exercising this right of access, except in case of imminent endangerment to human health or the environment, the Grantor shall give the Grantee, or the then record owner, at least thirty (30) days prior written notice of actions to be taken in remediation of the Property, and shall use reasonable means, including financial cost within the definition of "reasonable means," to avoid and/or minimize interference with the use of the Property by the Grantee, its successors and assigns.

Furthermore, any such actions undertaken by the Grantor pursuant to this Section will, to the maximum extent practicable, be coordinated with a representative of the Grantee, its successors and assigns. The Grantee shall not, through construction, operation or maintenance activities, interfere with any remediation or response action conducted by the Grantor under this Section unless agreed to by Grantor. Grantor shall have the obligation upon completion of any necessary remediation or response action to

reasonably restore the Property to a condition similar to that existing prior to Grantor's entry onto and use of the Property.

## **2. FEDERAL FACILITY SITE REMEDIATION AGREEMENT (FFSRA)**

The Grantor represents that SIAD and the State of California have entered into a Federal Facility Site Remediation Agreement, dated 30 May 1991 (FFSRA) governing the remediation of SIAD. The Grantee acknowledges that the Grantor has provided it with a copy of the FFSRA. Grantor will timely provide the Grantee, its successors and assigns with timely and if possible prior written notice of any matters affecting the Property which involve the FFSRA, including without limitation a copy of any proposed or final amendments thereto, and will seek and respond to Grantee comments and participation in any proposed or final amendments or activities affecting the Property under the FFSRA. The Grantee, its successors and assigns, agree that should any conflict arise between the terms of the FFSRA as they exist as of the date of this Deed or may be amended, and the provisions of this Deed, the terms of the FFSRA will take precedence, unless the FFSRA is no longer applicable. Grantor shall have the obligation upon completion of any necessary remediation or response action to reasonably restore the Property to a condition similar to that existing prior to Grantor's entry onto and use of the Property.

## **3. ENVIRONMENTAL BASELINE SURVEY ("EBS") AND FINDING OF SUITABILITY TO TRANSFER ("FOST")**

The Grantee has received from Grantor technical environmental reports referenced in Exhibit G of the Conveyance Agreement, including the Environmental Baseline Survey for the Property dated March 1997, as revised on March 2001 (collectively the "EBS") and the Finding of Suitability to Transfer (FOST) for the Property, dated September 2003, prepared by the Grantor. Grantor represents that to the best of the Grantor's knowledge, the EBS and FOST accurately describe the environmental condition of the Property. The Grantee has inspected the Property and accepts the physical condition of the Property and, on the basis of the EBS and FOST, understands the Property to be safe for the Grantee's intended use of conservation of natural resources.

## **4. NOTICE OF THE POTENTIAL FOR THE PRESENCE OF MUNITIONS AND EXPLOSIVE CONCERN (MEC)**

- a. The Grantor completed a comprehensive records search and, based on that search, performed and completed statistical and physical testing of areas on the Property where the presence of munitions and explosive concern (MEC), was considered possible. The records search and subsequent investigations indicated that it is not likely that MEC are located within this property. The term "MEC" as used in this Deed shall mean military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 U.S.C. 2710 (e) (9); (B) discarded military munitions (DMM), as defined in 10 U.S.C. 2710 (e) (2); or (C) explosive munitions constituents

(e.g., TNT, RDX) present in high enough concentrations to pose an explosive hazard.

- b. Notwithstanding the above records search and investigation, the parties acknowledge that since this is a former military installation with a history of munitions-related activities, there is a possibility for MEC to be present on the Property. If the Grantee or any subsequent owner should discover any MEC (including UXO) on the Property, they shall not attempt to disturb, remove or destroy it, but shall immediately call the local police or fire authorities. Upon due notice, the Grantor will conduct any response action found to be necessary and required under CERCLA or to ensure explosive safety.
- c. The Grantee acknowledges receipt of the *Ordnance and Explosives Archives Search Report, Findings for the Honey Lake Range, Lassen County, California*, dated September 1996.

## **5. STATUTORY INDEMNIFICATION**

The Grantor acknowledges its obligation to and shall hold harmless, defend, and indemnify the Grantee and any successor, assignee, transferee, lender, or lessee of the Grantee and any successors and assigns, as set forth in Section 330 of the Department of Defense Authorization Act of 1993, as amended, and as set forth in 10 U.S.C. § 2687 and Note.

## **6. INCLUSION OF PROVISIONS**

The Grantee, its successors and assigns, shall neither transfer the Property, lease the Property, nor grant any interest, privilege, or license whatsoever in connection with the Property without the inclusion of the environmental protection provisions (CERCLA COVENANTS AND NOTICE; FEDERAL FACILITY SITE REMEDIATION AGREEMENT (FFSRA); ENVIRONMENTAL BASELINE SURVEY (“EBS”) AND FINDING OF SUITABILITY TO TRANSFER (“FOST”); NOTICE OF THE POTENTIAL FOR THE PRESENCE OF MUNITIONS AND EXPLOSIVE CONCERN (MEC)) contained herein, and shall require the inclusion of such environmental protection provisions in all further deeds, transfers, leases, or grants of any interest, privilege, or license.

**ENCLOSURE 4**

**REGULATORY/PUBLIC COMMENTS**

**CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
HONEY LAKE COMMENTS**

**LENNY SIEGEL, DIRECTOR, CENTER FOR PUBLIC ENVIRONMENTAL  
OVERSIGHT COMMENTS**

**PYRAMID LAKE PAUTE TRIBE COMMENTS**

**STATE LAND COMMISSION STAFF COMMENTS**

**ENCLOSURE 5**

**ARMY RESPONSE TO REGULATORY/PUBLIC COMMENTS**



## **CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC) HONEY LAKE COMMENT RESPONSES:**

COMMENT 1. DTSC provided requirements for the Transfer of the non-OE portion of Honey Lake in a letter to Colonel Plemmons: dated February 24: 2003. DTSC is concerned with the idea of transferring the lake without a remedy in place since there are no barriers to prevent public access to the ordnance and explosives (OE) contaminated portion. Our position, as stated in our February 24th letter is that in order to provide assurances that the OE portion will be cleaned up DTSC requires Memorandum of Agreement with the Army prior to transfer of the non-OE portion. Due to the slow progress of the investigation, it is unlikely we will be able to reach concurrence on a remedy prior to September 30,2003. DTSC cannot recommend the State take possession of Honey Lake without the remedy in place.

***ARMY RESPONSE: The Army does not believe that a Memorandum of Agreement is necessary in order to transfer the Honey Lake Primary Parcel or lease the Former Honey Lake Demolition Area. The Army is taking appropriate measures to address the Former Honey Lake Demolition Area. The Demolition Area surface clearance is expected to be completed by October 2003 which will protect the public from encountering potentially hazardous munitions and explosive concern (MEC). In addition, it is intended that within 30 days of transfer the Army will place warning signs around the Demolition Area and the HLCT will not be permit access to this area without an Army escort pending completion of the Army's OE response actions.***

COMMENT 2. Section 3.1, The Environmental Condition of Property identifies the lake as Category 3 but does not provide a reason for the designation. For ease of reading, DTSC recommends the FOST be revised to provide discussion of the reason for the Category 3 designation.

***ARMY RESPONSE: The FOST was revised to reference Section 3.2 which provides the rationale for the ECP 3 classification (See Section3.1).***

COMMENT 3. Section: 3.2 Ordnance Explosives - Since the OE extent has not been defined, the project team had agreed that a conservative estimate of maximum extent would be to add a 2250 foot buffer beyond the area where the geophysical survey has been conducted. The FOST only includes a 1000 foot buffer beyond the geophysical survey area. DTSC recommends the 1,000 foot reference be modified to state 2250. The 2250 was thought to be the Q-D for a 155 mm shell.

***ARMY RESPONSE: The geophysical mapping is complete and the extent of the OE area has been identified. The buffer area has been changed to 2,250 feet on the north and south sides, but is 750 feet on the west. Since the scrap found on the west side is 37 mm and 40 mm scrap, the safety distance for a 155 mm is not necessary. The east side the area is the property line and shoreline.***

COMMENT 4. Section 3.2 of the FOST States the Army will complete a surface OE remediation (meaning a surface clearance) of the former Demolition Area prior to transferring the Property. The surface clearance should include not only the "Demolition Area" as discussed in this section, but also the buffer zone.

***ARMY RESPONSE: The Army does not believe that the surface clearance should include the buffer areas. The geophysical mapping and verification of the boundary has been completed. During this process, the Army examined the buffer areas and found no OE or UXO and only small amounts of scrap metal. Any scrap metal items found during this process were removed from site.***

COMMENT 5. Section: 3.3. The FOST states that there is no evidence of contaminated soil or groundwater on the property. The EBS identified the property as Category 3 due to a release of lead from historical use as a gunnery range. This section should be modified to include, at a minimum, a reference to the ECOP in Section, 3.1 and the discussions recommended in our Comment 2.

***ARMY RESPONSE: The FOST was revised to indicate there is no evidence of contaminated soil or groundwater requiring additional remediation (See Section 3.3.2).***

COMMENT 6. Section 8. Since the property has been designated Category 3 in the ECOP due to the presence of lead from use as a gunnery range, this section should be modified so as not to conflict with Section 3.

***ARMY RESPONSE: The FOST was revised to indicate that no hazardous substances in excess of reportable quantities have been released on the property (See Section 8).***

COMMENT 7. General. The release of .50 and .30 caliber lead bullets into the lakebed likely provides a minimal risk to human receptors and DTSC concurred with the Environmental Baseline Study (EBS). DTSC notes that the lead contamination has not been characterized, nor has the area of the release been identified. The "Archives Search Report Findings for the Honey Lakes Range," September 1996, identified usage of the dry Honey Lake bed near the town of Milford for aerial gunnery training. The Report provides an inventory of ammunition usage for the range. A total of 287,523 .50 caliber and/or .30 caliber rounds were expended at Honey Lake and Mather Field. DTSC's review and concurrence with the EBS did not include a complete review of potential for risk to ecological receptors. The ecological risk from former usage as a gunnery range has not been documented. Although, based on historical evidence, the release is unlikely to require a response, DTSC recommends: at a minimum, a screening ecological risk assessment be conducted to identify potential risk to ecological receptors from historical gunnery training.

***ARMY RESPONSE: It is the Army's position that there are minimal biological receptors, with no clear valuable ecological resource there is no indication that an ecological risk assessment is necessary.***

COMMENT 8. DTSC provided in a letter to Colonel Plemmons, dated November 26, 2002, procedures necessary to terminate RCRA Corrective Action for transferring property. Terminating Corrective Action prevents the transfer of RCRA liability from the Army to the new owner. DTSC recommends Sierra Army Depot provide a letter requesting a "Corrective Action Complete" determination for the property being transferred and provide Sierra Army Depot Facility boundary map indicating the boundary before and after the proposed transfer. DTSC will initiate the process necessary to complete the determination. This process requires a 45-day public comment period. DTSC recommends the FOST and RCRA comment periods be coordinated to run concurrently. Since Sierra Army Depot withdrew their application for the treatment of hazardous waste. on May 19, 2003, and notified DTSC of their intention to close their hazardous waste management units, DTSC no longer requires a revised Part A application.

***ARMY RESPONSE: On August 4, 2003, Sierra Army Depot submitted a letter with the information requested by DTSC. The FOST is expected to be completed prior completion of the RCRA Corrective Action termination process for transferring property. The Army will continue to work with the DTSC to expeditiously complete this process. Note - the OE area has been expanded, therefore, a new map showing the new boundary will be sent to DTSC.***

#### **LENNY SIEGEL, DIRECTOR, CENTER FOR PUBLIC ENVIRONMENTAL OVERSIGHT COMMENT RESPONSES**

Comment 1: I appreciate the opportunity to comment on the Draft Finding of Suitability for Transfer for Honey Lake (Phase I) at the Sierra Army Depot. In principle, I support the proposed transfer to a Natural Resource Conservation Organization. However, I am concerned that no party has adequately investigated the proposed transfer property to support the finding that the property is suitable for transfer.

***ARMY RESPONSE: The Army has conducted an Environmental Baseline Survey which determined that although lead bullets had been released on the lake, they were not of a sufficient quantity to require a response action. No other items of concern have been identified. The DTSC has provided the Army a letter, dated April 23, 1998, that no further action is required for this Property. The Army believes that sufficient investigation has been performed and the Property is suitable for transfer. However, if additional contamination is discovered on the Property, the Army will perform any additional remedial action found to be necessary after the date of transfer in accordance with CERCLA Section 120(3).***

Comment 2: It is my understanding that Honey Lake is downstream from areas where the Army and others have historically disposed of large quantities of munitions and solid rocket fuel through open burning and open detonation. Normally, such operations release heavy metals and explosive constituents into the environment. Such pollutants are therefore likely to be found in the waters of Honey Lake, its sediment, or in ground water or surface channels feeding Honey Lake. At least, there is enough reason to suspect such

contamination that actual sampling should take place before the property is cleared for transfer.

***ARMY RESPONSE: The Army believes that it is highly unlikely that contamination from the Sierra Army Depot open burning and open detonation area (SIAD OB/OD Area) is present on the Property. The SIAD OB/OD Area is located approximately 15 miles from the Property and the prevailing sites conditions are such that any contamination from the SIAD OB/OD Area would be away from the Property. Although perchlorates have been found in the soil, groundwater samples from the SIAD OB/OD areas have not shown any presence of perchlorates. SIAD is monitoring for perchlorates in this area and if found, a response plan will be developed in coordination with the DTSC and the Regional Water Quality Control Board. Based on this information, it is unlikely that the SIAD OB/OD operations have impacted the Property.***

Comment 3: I am particularly concerned about perchlorate. The Sierra Army Depot permitted at least one private contractor, United Technologies, to demilitarize large quantities of solid rocket fuel on its property. I have been informed that these activities took place upstream from Honey Lake. Since United Technologies has found very high concentrations of perchlorate at its Santa Clara County facilities, where it previously conducted similar operations, there is reason to suspect serious perchlorate contamination at Sierra.

***ARMY RESPONSE: See response to Comment 2 above. The only item currently known to contain perchlorates that may have been disposed of at Honey Lake is the IM-23 which is a very small incendiary mixture found in either .50 or .30 caliber small arms ammunition. Because of the limited number of .50 or .30 caliber small arms ammunition used on the gunnery range, the relatively small percentage of these rounds that would be incendiary, and the small quantity of the mixture per round, it is very unlikely that there is any perchlorate contamination on Honey Lake as a result of Army actions.***

Comment 4: I believe it would be prudent - indeed, it may be mandated by law and regulation - to conduct sampling for perchlorate and other constituents and byproducts of munitions before certifying Honey Lake clean enough for an otherwise suitable transfer.

***ARMY RESPONSE: The only item currently known to contain perchlorates that may have been disposed of at Honey Lake is the IM-23 which is a very small incendiary mixture found in either .50 or .30 caliber small arms ammunition. Because of the limited number of .50 or .30 caliber small arms ammunition used on the gunnery range, the relatively small percentage of these rounds that would be incendiary, and the small quantity of the mixture per round, it is very unlikely that there is any perchlorate contamination on Honey Lake as a result of Army actions.***

## **PYRAMID LAKE PAUTE TRIBE COMMENT RESPONSES**

Comment 1: The OE clean portion of Honey Lake (the Property) was used for aerial gunnery training in 1931 and 1932. Aircraft mounted machine guns were fired at ground and towed targets. Due to these activities, the property is classified as Category 3. Nowhere does the FOST indicate there has been sediment testing with results to indicate to the conclusion that lead is at a concentration, which does not require a remedial response.

***ARMY RESPONSE: The Army believes that the quantify of bullets fired at the lake are not sufficient to warrant sampling, nor is there any indication that the lead from the bullets is causing any ecological problems. The Army has conducted an Environmental Baseline Survey which determined that although lead bullets had been released on the lake, they were not of a sufficient quantity to require a response action. No other items of concern have been identified. The DTSC has provided the Army a letter, dated April 23, 1998, that no further action is required for this Property. The Army believes that sufficient investigation has been performed and the Property is suitable for transfer.***

Comment 2: The Environmental Assessment dated June 2003 on the Transfer of Honey Lake Page 39 indicates that surface water testing did not indicate any problem with lead concentrations. The slow dissolution of lead released into the environment will depend on what biological mechanisms are in place. Different microenvironments within the sediments will change the lead into different lead compounds that are more bio-available thus impacting the ecology of the lake. It is important before making the assumption that lead poses no hazard to determine what form the lead has taken i.e. lead nitrate, lead sulfate, or lead carbonate. Therefore, core sampling and sediment sampling should be completed.

***ARMY RESPONSE: As noted above, the Army has conducted an Environmental Baseline Survey which determined that although lead bullets had been released on the lake, they were not of a sufficient quantity to require a response action. The DTSC has provided the Army a letter, dated April 23, 1998, that no further action is required for this Property. In addition, it is the Army's position that there are minimal biological receptors, with no clear valuable ecological resource there is no indication that an ecological risk assessment is necessary.***

## **STATE LAND COMMISSION STAFF COMMENT RESPONSES**

### **Section 1. Purpose**

Comment 1: Please clarify how the State's reversionary interest in the entire bed of Honey Lake relates to applicable federal laws that the Army is relying upon for the transfer to the HLCT.

***ARMY RESPONSE: The FOST was revised to state that it is intended that the HLCT will transfer the Property to the State Lands Commission once the State chooses to exercise its reversion right (See Section 2).***

## Section 2. Property Description

Comment 2: This section states that the 59,452-acre portion of the lake bed will transfer to the HLCT, but should also re-state that the HLCT's intent is to eventually transfer this portion of the lakebed to the State of California, California State Lands Commission once the State chooses to exercise its reversion.

***ARMY RESPONSE: The FOST was revised to state that it is intended that the HLCT will transfer the Property to the State Lands Commission once the State chooses to exercise its reversion right (See Section 2).***

Comment 3: Please explain the basis for the conclusion that gunnery training occurred only between 1931 and 1932. Information before State Lands Commission staff indicate that these operations continued during 1933 and beyond and were "slowly curtailed" thereafter. See Sagebrush Reflections (1983) by Tim I. Purdy.

***ARMY RESPONSE: According to the Ordnance and Explosives Archives Search Report, Findings for the Honey Lake Range, Lassen County, California, September 1996, there is no indication that the gunnery range was used after 1932.***

Comment 4: This section also indicates that the HLCT will transfer the purported 3,000-acre demolition area to the State after the ordnance and explosives (OE) response action is completed. This statement is incorrect. The State of California has made no verbal or written representation that it will ever exercise its reversionary interest and retake title to the purported 3,000-acre demolition area.

***ARMY RESPONSE: The FOST was revised to state that it is the Army and HLCT's goal to eventually transfer the Demolition Area property to the State Lands Commission after the Army ordnance and explosive (OE) response action is complete.***

Comment 5: We have not been provided a copy of the Memorandum of Understanding between the HLCT and the Army. Consequently, we reserve the right to comment on this FOST and the transfer in general once the terms and conditions of this MOU and other relevant information are available to us for review and comment.

***ARMY RESPONSE: The State Lands Commission will be provided a copy of the Conveyance Agreement for the Primary Parcel and the Lease in Furtherance of Conveyance for the OE area. The Army will consider any further comments provided by the State Land Commission but will not delay the approval of this FOST or the transfer of the Property.***

Comment 6: As of this writing we are not aware that or informed by Department of Toxic Substances Control (DTSC) that they have agreed with the proposed “clean” area designation. Moreover, we understand that site investigation and characterization of the OE area is ongoing. Accordingly, any definitive acreage determination to be transferred seems premature.

***ARMY RESPONSE: The Army has conducted investigation of the boundary and believes that the acreages are appropriate. The geophysical mapping is complete and the extent of the Former Demolition area and buffer zones has been identified. Therefore, the Army believes that sufficient investigation has been performed delineating the Former Demolition Area/Buffer Zone and the Property is suitable for transfer.***

Comment 7: The property description also does not mention the existence of any “buffer” area between the purported “clean” lakebed area and the area where OE may exist. If a buffer area exists, how is it delineated? Has it been surveyed? How will the public be notified of its existence and how will the public be prevented from entering the buffer area and beyond into the OE area?

***ARMY RESPONSE: Based on recent geophysical mapping, the extent of the OE area has been identified and the buffer area has been changed to 2,250 feet on the north and south sides and 750 feet on the west side. The east side of the area is the property line and shoreline. As noted above, the Demolition Area surface clearance is expected to be completed by October 2003 which will protect the public from encountering potentially hazardous unexploded ordnance (UXO). In addition, it is intended that within 30 days of transfer, the Army will place warning signs around the Demolition Area and the HLCT will not be permit access to this area without an Army escort pending completion of the Army’s UXO response actions. The FOST was revised to indicate the new buffer areas and the use of warning signs (See Section 4).***

### Section 3. Environmental Condition of the Property

Comment 8: Under subsection 3.3.1, please disclose whether the Army has investigated the soil or underlying groundwater for perchlorate. If so, what were the sample areas, detection limits and analytical results? If not, please provide the underlying factual basis for the decision not to investigate soil, groundwater, or surface water for perchlorate. If no such evidence exists please explain how the area can be deemed Category 3.

***ARMY RESPONSE: The Army has not sampled soil or groundwater for perchlorates on Honey Lake. The only item currently known to contain perchlorates that may have been disposed of at Honey Lake is the IM-23 which is a very small incendiary mixture found in either .50 or .30 caliber small arms ammunition. Because of the limited number of .50 or .30 caliber small arms ammunition used on the gunnery range, the relatively small percentage of these rounds that would be incendiary, and the small quantity of the mixture per round, it is very unlikely that there is any perchlorate contamination on Honey Lake.***

Comment 9: 3.2 This section and Section Two states the lakebed was used as a gunnery range. Please disclose if the lakebed was analyzed for lead and other constituents remaining from fragmental bullets. What were the detection limits and analytical results? If no samples were taken, please provide the underlying factual basis for the decision not to investigate for lead or other contaminants related to the gunnery range and that the remaining lead or other fragment constituents do not require a removal or remedial response.

***ARMY RESPONSE: The Army has conducted an Environmental Baseline Survey which determined that although lead bullets had been released on the lake, they were not of a sufficient quantity to require a response action. No other items of concern have been identified. The DTSC has provided the Army a letter, dated April 23, 1998, that no further action is required for this Property. The Army believes that sufficient investigation has been performed and the Property is suitable for transfer.***

Comment 10: Have the federal and state natural resource trustees been provided an opportunity to review the documents related to this FOST? What were their comments? In particular, have the trustees commented on or requested information as to the existence of lead or perchlorate and the potential ecological risk? Has the Army conducted an ecological risk assessment? What were the conclusions? If no risk assessment or ecological screening was conducted, what was underlying factual basis for this decision?

***ARMY RESPONSE: The FOST was provided for public review for seven weeks. This review specifically included the DTSC, Regional Water Quality Control Board, the Environmental Protection Agency Region IX, Lassen County, the Susanville Indian Rancheria, and the Pyramid Lake Paiute Tribe. The Army is the federal natural resource trustee and the state natural resource trustee has not been involved since there are minimal biological receptors, with no clear valuable ecological resource. There is no indication that an ecological risk assessment is necessary.***

#### Section 4. Adjacent Property Conditions

Comment 11: Please define what OB/OD means in the first sentence. In addition, this section should be expanded to more thoroughly describe the existing conditions on the adjacent purported 3,000-acre demolition area, the current Army effort to complete a surface clearance of this acreage and the expected completion date for the effort, and the expected conditions upon completion of the surface clearance. This section should describe what other protective measures, if any, will be available to members of the public to warn them that they may be entering the buffer area, or the demolition area itself. Finally, this section should describe what risks will remain to the public from having access to the 3,000-acre demolition area through the 59,452-acre parcel that is the subject of this draft FOST and who is responsible for managing such risks.



***ARMY RESPONSE: The FOST has been revised to explain what OB/OD means and that the Army will be conducting an investigation of the former Demolition area and when the investigation and surface clearance are expected to be completed. The Army will also be placing signs between the Property and the former demolition area warning the public of potential dangers. Additional information on the demolition area is available in the Former Honey Lake Demolition Area Finding of Suitability to Lease (FOSL) dated September 2003.***

#### Section 6. Regulatory/Public Coordination

Comment 12: The State Lands Commission staff have asked to be informed of all activities and decision milestones for the potential transfer of the bed of Honey Lake, but did not receive a notice of the Army's intent to sign this FOST. Please include the State Lands Commission staff on all future mailings and email notifications as follows:

Dave Plummer  
California State Lands Commission  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825  
[plummed@slc.ca.gov](mailto:plummed@slc.ca.gov)

***ARMY RESPONSE: Mr. Plummer has been added to the mailing list.***

#### Section 8. Findings of Suitability to Transfer

Comment 13: Absent the information described in our comments to Sections 2, 3, and 4 above, regarding the relationship of the proposed transfer to the existing and expected condition of the adjacent purported 3,000-acre demolition area, we respectfully suggest that a finding of suitability to transfer may be premature. Such a finding must be based on facts showing that the public will be protected from any harm that might be associated with the 3,000-acre demolition area.

***ARMY RESPONSE: Based on the Army's responses to the above comments, the Army believes that the Property is suitable to transfer.***